



Conference of the States Parties to the United Nations Convention against Corruption

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Draft report

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I. Introduction

1. In its resolution 58/4, the General Assembly adopted the United Nations Convention against Corruption. The Convention entered into force on 14 December 2005. In article 63, paragraph 1, of the Convention, the Conference of the States Parties to the United Nations Convention against Corruption was established, to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation.

II. Organization of the session

A. Opening of the session

2. The Conference held its seventh session in Vienna, from 6 to 10 November 2017. The Conference had resources at its disposal to provide for 10 meetings with interpretation into the official languages of the United Nations.

3. The outgoing President of the Conference commended the important work undertaken since the sixth session of the Conference. He stated that nearly all the country reviews under the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption had been completed, and he highlighted the progress made under the second cycle. He made reference to the impact of the Implementation Review Mechanism, which had led countries to improve domestic legislation, provide better protection for whistle-blowers and witnesses and create a more reliable legal basis for international cooperation in criminal matters. Conference resolution 6/3, entitled "St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption", had also led to improved cooperation with the private sector: the United Nations Development Programme (UNDP) and the Siemens Integrity Initiative had initiated new activities with the private sector, a code of conduct for small and medium-sized enterprises had been developed and a recent expert group meeting had explored improvements in beneficial ownership transparency. He stressed that the fight against corruption, as reflected in the St. Petersburg statement, required the active cooperation of all States parties.



4. The President of the Conference at its seventh session highlighted the importance of transparency and integrity of public administration for the credibility and legitimacy of the State, public ethics, justice and development. Political commitment of all States was needed to strengthen cooperation in preventive measures, simplify the proceedings for tracing, freezing, confiscating and recovering assets and eliminate safe havens and banking secrecy. She commended the Implementation Review Mechanism for being a useful tool for thoroughly analysing achievements, challenges and good practices in the implementation of the Convention. The President considered the Conference especially important with regard to asset recovery, because divided views still existed on many aspects of that important area, and more efficient coordination for day-to-day work on asset recovery was needed. Information-sharing on the location of alleged proceeds of corruption had to be improved, so that requesting States could initiate asset recovery action. Furthermore, practitioners needed to be made more familiar with the requirements of asset recovery in other jurisdictions. Civil society also had an important role to play in the fight against corruption.

5. The Executive Director of the United Nations Office on Drugs and Crime (UNODC) delivered a message to the Conference from the Secretary-General. The Secretary-General stressed the ubiquitous nature of corruption and its negative impact on human lives and societies. He highlighted that the 2030 Agenda for Sustainable Development could only be implemented with strong institutions based on the rule of law and supported by the public. He considered that the steps taken to combat high-level corruption in many countries were encouraging and he offered the ongoing support of the United Nations to States in their efforts to build a culture of integrity and the rule of law. He called for the active engagement of business and financial communities, civil society and young people, as well as government, corporate, religious and cultural leaders.

6. The Executive Director of UNODC, in his own remarks, made reference to the second edition of the publication *State of Implementation of the United Nations Convention against Corruption*, which reflected the implementation of the Convention based on the information generated during the first review cycle, demonstrating the implementation efforts, good practices and challenges identified. In the context of the Implementation Review Mechanism, a great majority of States had undertaken steps for legislative reform, noted the overall positive impact of the Mechanism on national anti-corruption efforts and reported an increase in their exchanges in matters of extradition and mutual legal assistance, using the Convention as a legal basis. The private sector and civil society were increasingly taking part in the country reviews. He highlighted that the insights generated by country reviews could also help guide technical assistance delivery and monitor progress towards achieving the targets of Sustainable Development Goal 16. The achievement of Goal 16 was also supported by the joint UNODC-World Bank Stolen Asset Recovery (StAR) Initiative. The Executive Director mentioned a number of initiatives undertaken by UNODC to strengthen the implementation of the Convention, including the development of a guide on strategies for corruption risk mitigation, the establishment of the Global Judicial Integrity Network as part of the Global Programme for the Implementation of the Doha Declaration and the publication of a handbook on anti-corruption measures in prison, as well as initiatives on education for justice, corruption and combating wildlife crime, corruption in sports and corruption helping to fuel violent extremism.

7. The representative of the Islamic Republic of Iran, speaking on behalf of the Group of 77 and China, underlined the role of the Conference and recalled the 2030 Agenda, as well as the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in April 2015. He welcomed the Global Programme to implement the Doha Declaration, stressed the

importance of preventive measures and welcomed action taken by States in the areas of awareness-raising, education and initiatives aimed at mobilizing young people. He expressed regret over the continued existence of barriers to asset recovery, such as lack of political will, unnecessary delays, procedural complexities, bureaucratic hurdles and legal barriers in requested States, as well as the high cost of asset recovery. He urged all States parties to facilitate the expeditious return of stolen assets, including those assets that had not been accounted for and that were found in safe havens, and requested the Secretariat to provide technical assistance in that regard. He considered the use of civil and administrative proceedings an effective tool for asset recovery and highlighted the need for regular follow-up to the recommendations of the subsidiary bodies of the Conference. He noted with satisfaction the functioning of the Implementation Review Mechanism and highlighted the need to provide technical assistance, upon request, to meet the needs identified in the reviews. He emphasized that the Implementation Review Mechanism required sustainable and predictable funding from the regular budget of the United Nations, in accordance with its terms of reference. He called upon all States parties to avoid unilateral actions and sanctions that might weaken the international cooperation framework and States parties' capabilities to fight corruption.

8. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, stated that the region had given priority to the fight against corruption. That had been demonstrated by the Community of Latin American and Caribbean States, in particular through the specialized high-level meetings on prevention and the fight against corruption, and the Inter-American Convention against Corruption. He called for the generation of synergies between the Convention, the regional anti-corruption instruments and other relevant international forums. He reiterated the commitment of the Group to the Implementation Review Mechanism and its spirit of cooperation and trust, which had established a genuine community of anti-corruption experts. He called on States to open a channel through which they could report on progress made in the implementation of the recommendations made in the first cycle, in accordance with the terms of reference of the Mechanism, and highlighted capacity-building and the coordination of technical assistance at the regional and global levels, as well as South-South cooperation. With regard to prevention, he highlighted, *inter alia*, the participation of the private sector, academia and civil society, access to information, awareness-raising and education and the strengthening of political will to achieve swift and unconditional asset recovery and return. Among the important requirements mentioned for successful asset recovery were civil and administrative proceedings, a better mutual understanding of the legislation and proceedings on asset recovery, early freezing measures and relevant networks. He recognized the work undertaken by UNODC, including through the StAR Initiative, in that regard. He highlighted the importance of the participation of civil society in the fight against corruption, in accordance with article 63 of the Convention.

9. The representative of Angola, speaking on behalf of the Group of African States, reaffirmed the commitment of the African States to combating corruption and illicit financial flows. She expected tangible results to be achieved from the Implementation Review Mechanism, especially its second review cycle, and highlighted the need for technical assistance in that regard. The representative noted the detrimental effect that the lack of financial resources had had on assisting developing countries in undertaking the review and called upon donors to make available greater unearmarked extrabudgetary contributions. She reiterated the importance of developing effective policies and practices to prevent corruption and emphasized the issue of asset recovery, in particular the repatriation of stolen assets to the countries of origin. She noted with appreciation relevant international meetings and initiatives on asset recovery, while at the same time highlighting challenges in the recovery of stolen assets, such as differences in legal systems, multi-jurisdictional complexity, lack of political will and cooperation, and cumbersome procedures. She urged all States parties to eliminate safe havens and lift bank secrecy to facilitate asset return, and she

stressed the need for strengthened international cooperation in realizing the objectives of the Convention.

10. The representative of Thailand, speaking on behalf of the Group of Asia-Pacific States, emphasized the importance of preventing and combating corruption and reaffirmed the Group's collective efforts in that regard in order to realize the Sustainable Development Goals, in particular Goal 16. He acknowledged the universality of the Convention against Corruption and welcomed with satisfaction the performance of the Implementation Review Mechanism. He stated that challenges remained for the Mechanism because of a lack of resources and he called on States to provide the necessary funding. The representative underlined the importance of preventing corruption and recognized the positive impact of the Marrakech declaration¹ and its follow-up. He acknowledged the significance of asset recovery and stressed the need for enhanced international cooperation. He also underscored the importance of technical assistance and requested the continued provision of capacity-building. Lastly, he stressed the importance of international cooperation, in particular the use of civil and administrative proceedings, and encouraged States parties and UNODC to step up efforts to address corruption-related challenges.

11. The representative of the European Union noted the threats posed by corruption to democracy, security and social development, and he highlighted the importance that combating corruption had on the agenda of the European Union. He reported on the measures taken by the European Union to tackle corruption, as well as on its cooperation projects and its forthcoming financial contribution to the Implementation Review Mechanism. He shared the experience of the European Union in witness protection, beneficial ownership identification, mutual recognition of freezing orders, non-conviction-based confiscation, public procurement, trade and investment policies and information-sharing. He stated that the Implementation Review Mechanism should be transparent, efficient, inclusive and cost-efficient and create further synergies with other anti-corruption review mechanisms. He also highlighted the importance of civil society organizations in promoting the objectives of the Convention and encouraged their participation and involvement in the second review cycle. The representative reaffirmed the European Union's commitment to promoting international cooperation and building global partnerships with UNODC and other stakeholders.

B. Election of officers

12. At its 1st meeting, on 6 November 2017, the Conference elected by acclamation Thelma Esperanza Aldana Hernández de López (Guatemala) as President of the Conference.

13. At the same meeting, the following three Vice-Presidents and Rapporteur were elected by acclamation:

<i>Vice-Presidents:</i>	Vivian N.R. Okeke (Nigeria)
	Ignacio Baylina Ruiz (Spain)
	Abu Zafar (Bangladesh)
<i>Rapporteur:</i>	Anna Popova (Bulgaria)

C. Adoption of the agenda and organization of work

14. Also at its 1st meeting, the Conference adopted the following agenda for its seventh session:

1. Organizational matters:
 - (a) Opening of the seventh session of the Conference;

¹ Conference of the States Parties resolution 4/3.

- (b) Election of officers;
 - (c) Adoption of the agenda and organization of work;
 - (d) Participation of observers;
 - (e) Adoption of the report of the bureau on credentials;
 - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Corruption.
 3. Technical assistance.
 4. Prevention.
 5. Asset recovery.
 6. International cooperation.
 7. Other matters:
 - (a) Implementation of article 63, paragraphs 4 (c) and (d), concerning cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations; as well as appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption, in order to avoid unnecessary duplication of work;
 - (b) Status of ratification of and notification requirements under the Convention.
 8. Provisional agenda for the eighth session.
 9. Adoption of the report.

D. Attendance

15. The following States parties to the Convention were represented at the seventh session of the Conference: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nigeria, Niue, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

16. The Syrian Arab Republic, a State signatory to the Convention, was represented by an observer.

17. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the session.

18. The following Secretariat units, United Nations entities, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system were represented by observers: Department of Political Affairs of the Secretariat, United Nations Commission on International Trade Law, UNDP, United Nations Global Compact, United Nations Human Settlements Programme, secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Basel Institute on Governance, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, International Monetary Fund and World Bank.

19. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

20. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Cooperation Council for the Arab States of the Gulf, Council of Europe (Group of States against Corruption), European Bank for Reconstruction and Development, European Public Law Organization, International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Institute for Democracy and Electoral Assistance, International Organization for Migration, League of Arab States, Organization for Economic Cooperation and Development, Organization for Security and Cooperation in Europe, Regional Anti-Corruption Initiative, Shanghai Cooperation Organization, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and World Customs Organization.

21. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Africa Culture International, African Youth Movement, Article 19: International Centre against Censorship, Center for International Human Rights, Centre d'observation et de promotion de l'état de droit, Environmental Investigation Agency, Geopolitikai Tanács Közhazsnú Alapítvány, Global Financial Integrity, Global Organization of Parliamentarians against Corruption, HEDA Resource Centre, International Council of Women, Organização das Famílias da Ásia e do Pacífico, Parliamentarians for Global Action, Socialist International Women, Transparency International, United Cities and Local Governments, World Wide Fund for Nature International and Zonta International.

22. In accordance with rule 17 of the rules of procedure, the Secretariat circulated a list of relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status. Invitations were subsequently sent by the Secretariat to relevant non-governmental organizations. The following other relevant non-governmental organizations were represented by observers at the seventh session of the Conference: African Institute of Corporate Citizenship; Alliance of NGOs on Crime Prevention and Criminal Justice; Anti-Corruption Front; Anti-Corruption Organization, Cameroon; Association de lutte contre le racisme, l'ethnocentrisme et le régionalisme; Bahrain Transparency Society; British School of Outdoor Education; Centre d'étude et de recherches en sciences sociales; Centre de recherche et d'action pour la paix; Centre for Sustained Dialogue Nigeria; Centre for Youth Initiative on Self-Education; Civil Forum for Asset Recovery; Climate and Environmental Development Initiatives, Nigeria; Coalition contre la corruption en Mauritanie; Coalition for Integrity and Accountability (AMAN); Coalition of the Civil Society Friends of the United Nations Convention against Corruption (also known as the UNCAC Coalition); Committee for Democracy and Rights of the People; Cooperacion y Desarrollo, Equatorial Guinea; Development Animation Programme; EARTH (Empathetic Activism Related to Humanity), India; Environment for Life; Forum du Justiciable; Friends of the Uth for Service, Empowerment and Development; Global Initiative against Transnational Organized Crime; Global Network for Good Governance; Independent Service

Delivery Monitoring Group; Iniciativa para Democracia e Cidadania; Institute of Regional and Political-economical Problems; Instituto de Directores de Moçambique; Integrity Nigeria; Integritätsmonitoring Anti-Korruptions-Initiative für Nigeria; International Academy of Organizational Behaviour Management; International Agency for Crime Prevention, Criminal Law and Jurisdiction; International Forum on Crime and Criminal Law in the Global Era of the China Behaviour Law Association; Interregional Public Organization for Promoting the Improvement of Public Administration and Anti-Corruption Policy "Sodejstvie"; Libyan Transparency Association; Local Community Development Association; Mouvement pour la lutte contre l'injustice; National Centre for Human Rights and Democratic Development; Observatoire de lutte contre la corruption et les malversations économiques; Pan African Lawyers Union; Programme d'appui aux actions rurales de développement industriel et commercial; Royal Integrity and Accountability Organization; Réseau national de lutte anti-corruption; Sajha Foundation; Sanctity Transparency and Peace Initiative; Society for Human Rights and Prisoners' Aid; Socio-Legal Aid Research and Training Centre; Solidarity Development Organization, Cameroon; United for the Protection of Human Rights, Women and Children Affairs, Sierra Leone; United Youth for Growth and Development; Welfare Association for the Development of Afghanistan; Wildlife Justice Commission; and Women Protection Organization.

E. Adoption of the report of the Bureau on credentials

23. Rule 19 of the rules of procedure provides that the Bureau of any session shall examine the credentials of representatives and submit its report to the Conference. Rule 20 provides that, pending a decision of the Bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the Bureau has reported and the Conference has taken its decision.

24. The Bureau informed the Conference that, of the 158 States parties represented at the seventh session, 150 States were in compliance with the credentials requirements. Eight States parties, namely, Colombia, Cuba, Mauritania, Nicaragua, Niger, Rwanda, Uruguay and Zambia, were not in compliance with rule 18 of the rules of procedure. The Bureau emphasized that it was the obligation of each State party to submit the credentials of representatives, in accordance with rule 18, and called on those States parties that had not yet done so to provide the Secretariat with original credentials as soon as possible but not later than 17 November 2017.

25. The Bureau reported to the Conference that it had examined the written communications received and found them to be in order.

26. The Conference adopted the report of the Bureau on credentials at its [...] meeting, on 9 November 2017.